

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

- - -

MASHA ALLEN,	:	CIVIL ACTION NO. 08-4614
Plaintiff	:	
	:	
v.	:	Camden, New Jersey
	:	June 24, 2009
FAMILIES THRU INTERNATIONAL	:	10:03 o'clock a.m.
ADOPTION, et al,	:	
Defendant	:	
. . . . .	:	

TELEPHONE CONFERENCE  
BEFORE THE HONORABLE ANN MARIE DONIO  
UNITED STATES MAGISTRATE JUDGE

- - -

APPEARANCES:

For the Plaintiff:	ROBERT N. HUNN, ESQUIRE Kolsby, Gordon, Robin & Shore, Esquires One Liberty Place 2000 Market Street 28th Floor Philadelphia, PA 19103
	STEVEN A. HABER, ESQUIRE Obermayer, Rebmann, Maxwell & Hippel, LLP One Penn Center, 19th Floor 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1895
	DAVID BILZ, ESQUIRE
For the Defendant FTIA:	DONALD C. COFSKY, ESQUIRE Cofsky & Zeidman, LLC 209 N. Haddon Avenue Haddonfield, NJ 08033-2322
For the Defendant Smith:	JEANNENE SMITH, Pro Se 312 S. Lincoln Avenue Cherry Hill, NJ 08002

- - -

APPEARANCES:

For the Defendant                      BRAD WEINTRAUB, ESQUIRE  
Adagio Health:                      Weiner Lesniak  
   629 Parsippany Road  
   P.O. Box 438  
   Parsippany, NJ 07054-0438

- - -

Audio Operator:                      Susan Bush

Transcribed by:                      Paula L. Curran, CET

(Proceedings recorded by Liberty Court Player  
digital sound recording; transcript provided by AAERT-  
certified transcriber.)

Laws Transcription Service  
48 W. LaCrosse Avenue  
Lansdowne, PA 19050  
(610) 623-4178

1           (The following occurred in open court at 10:03  
2 o'clock a.m.)

3           THE COURT: This conference is being electronically  
4 recorded and I would ask that each time you speak, you state  
5 your name for the record, so it's clear who's on the phone.  
6 This is telephone conference in Case Number 08-4614. May I  
7 have the appearances for the record, please?

8           MR. HUNN: Good morning, your Honor, this is Robert  
9 Hunn, I'm currently counsel of record.

10          THE COURT: For the plaintiff?

11          MR. HUNN: Yes.

12          THE COURT: All right. Who else is available today?

13          MS SMITH: Jeannene Smith.

14          THE COURT: I'm sorry, Ms. Smith, can you speak up,  
15 please?

16          MS SMITH: This is Jeannene Smith, Pro Se.

17          THE COURT: You're representing yourself pro se,  
18 right, Ms. Smith?

19          MS SMITH: Yes.

20          THE COURT: Okay.

21          MR. COFSKY: Donald Cofsky, I'm representing  
22 Families Thru International Adoption.

23          THE COURT: All right.

24          MR. WEINTRAUB: Good morning, your Honor, Brad  
25 Weintraub from Weiner Lesniak. We represent the third-party

1 defendant, Adagio Health.

2 THE COURT: All right.

3 MR. HABER: Your Honor, Steve Haber, limited counsel  
4 for plaintiff. Also on the line with me, is personal counsel  
5 for the plaintiff, David Bilz.

6 THE COURT: All right, presently before the Court is  
7 a motion to withdraw, filed by the plaintiff's counsel, Mr.  
8 Hunn, which is actually opposed by the plaintiff. And since  
9 that time, the Court has received correspondence from Mr.  
10 Haber, who has filed a notice of a special limited  
11 appearance, solely with regard to the pending motion of  
12 counsel for leave to withdraw. I scheduled oral argument to  
13 be held in person today and received a letter from Mr. Haber  
14 on the 22nd of June, indicating that by consent of the moving  
15 party, Mr. Hunn, there is a request to adjourn today's  
16 hearing, which I did grant and converted today's hearing to  
17 the telephone conference. In Mr. Haber's letter of June  
18 22nd, he reflects or states that a substitute firm has agreed  
19 to representation of the plaintiff, which would moot the  
20 pending motion to withdraw and asks that the current motion  
21 be continued for a period of 30 days. Is that right, Mr.  
22 Haber?

23 MR. HABER: That's correct, your Honor.

24 THE COURT: Who is the proposed counsel?

25 MR. BILZ: Your Honor, this is Attorney David Bilz,

1 in Atlanta, the proposed counsel is or are two attorneys who,  
2 the names are William Pugh Bird, B-I-R-D and Darren,  
3 D-A-R-R-E-N, Summerville, which is spelled S-U-M-M-E-R-V-I-L-  
4 L-E. They are partners together in a firm here in Atlanta.  
5 The Bird Law Group, PC and they have not been officially  
6 retained as of yet, because of scheduling problems and  
7 problems with the plaintiffs up in Pennsylvania. And so --

8 THE COURT: Well, would it be also New Jersey  
9 counsel, by any chance?

10 MR. BILZ: Yes, your Honor, as part of the  
11 reputation, they would be making arrangements for local  
12 counsel to assist, is my understanding.

13 THE COURT: Mr. Haber, are you going to be that  
14 local counsel?

15 MR. HABER: I am not, your Honor.

16 THE COURT: All right. Mr. Hunn, do you have an  
17 objection with the Court terminating your motion, without  
18 prejudice to refile if this issue is not worked out within  
19 the next 30 days?

20 MR. HUNN: No, your Honor, I do not have an  
21 objection with the caveat that we maintain some schedule here  
22 and 30 days would be fine.

23 THE COURT: But what I'm planning to do is actually  
24 dismiss the motion without prejudice, with the right to  
25 refile on letter application and reactivate the motion within

1 30 days. Is that acceptable?

2 MR. HUNN: That's acceptable, your Honor.

3 THE COURT: Is there any objection to that approach?

4 MR. COFSKY: No, your Honor, Cofsky, none.

5 MR. WEINTRAUB: No, your Honor, Brad Weintraub,  
6 none.

7 THE COURT: Ms. Smith?

8 MS SMITH: No objection, your Honor.

9 THE COURT: All right, so, this way, the motion will  
10 be terminated and when and if new counsel are retained, the  
11 local counsel will submit a substitution of counsel with Mr.  
12 Hunn and the Atlanta counsel can make their applications pro  
13 hac through their local counsel.

14 MR. HUNN: Correct.

15 THE COURT: All right, well, Mr. Haber, that needs  
16 to be done within 30 days, otherwise, I'm going to have to  
17 hear, well, Mr. Hunn can reactivate the motion and then I'm  
18 going to have to have to schedule a hearing.

19 MR. HABER: Understood, your Honor.

20 THE COURT: All right, now also, presently before  
21 the Court are currently motions, number -- motion Number 16,  
22 that's a motion to dismiss by Ms. Smith, right? And that is  
23 before the District Judge. It's Number 16 on the docket.

24 There's a motion for default judgment by the  
25 plaintiff, that's Number 24. Mr. Hunn, that motion remains?

1 MR. HUNN: Your Honor, that would be the motion with  
2 respect to Ms. Smith and as I mentioned in our prior  
3 conference, I corrected the error with respect to Reaching  
4 Out Thru International Adoption. That's been corrected.

5 With respect to Ms. Smith, because she is a party, I  
6 had requested that the Court deny my motion as a simply a  
7 notice of default her response as a motion to open. If that  
8 makes sense.

9 MR. WEINTRAUB: I didn't quite get that, Brad  
10 Weintraub. The motion still pending?

11 MR. HUNN: I submit the motion is still pending.

12 THE COURT: You also have a motion to strike the  
13 answer by Ms. Smith, is that correct?

14 MR. HUNN: That's correct, on the grounds that there  
15 was pending a motion for default -- a motion to dismiss.

16 THE COURT: All right. And those motions are  
17 currently pending, it appears.

18 MR. HUNN: That's correct.

19 THE COURT: Actually, I'm not -- have you moved for  
20 a default or did you correct your motion of default with  
21 respect to Reaching Out Thru International Adoption and Child  
22 Promises, Inc.?

23 MR. HUNN: I corrected it, your Honor.

24 THE COURT: So, it's actually a request, initially,  
25 for entry of default?

1 MR. HUNN: Yes, as to those two, that is entered on  
2 the docket.

3 THE COURT: All right.

4 MR. HUNN: With respect to Ms. Smith, now that she's  
5 in the case, I'm requesting that my motion be considered, the  
6 notice and that issue is whether or not it should be opened.

7 THE COURT: All right. Ms. Smith, do you have any  
8 response? Your filed your opposition to the motions?

9 MS SMITH: I'm sorry, could I just interrupt, for  
10 just one minute. I didn't understand the last part of what  
11 Mr. Hunn just said.

12 THE COURT: Mr. Hunn, do you want to restate -- can  
13 you restate that?

14 MR. HUNN: Certainly, your Honor and again, just to  
15 clarify, initially plaintiff had filed two motions. One was  
16 for default with respect to Reaching Out Thru International  
17 Adoptions and the other was for Ms. Smith. Ms. Smith then  
18 entered her appearance. I had inadvertently skipped to Step  
19 B on the rule. There was Step A, which is simply file notice  
20 of default. With respect to Reaching Out Thru International  
21 Adoptions and Child Promises, we corrected the initial filing  
22 and filed a notice of default. So, they're put aside for a  
23 second.

24 The only thing that's pending was my motion with  
25 respect to Ms. Smith. Because she has entered her appearance



1 in the case, after I filed it, I'm requesting simply that my  
2 motion be just considered a notice of default. And Ms.  
3 Smith's filing is basically a motion to open and that then  
4 puts it in a posture for the Court to decide.

5 THE COURT: And you have opposed her motion to  
6 dismiss, is that correct?

7 MR. HUNN: Her motion to dismiss, yes. Her 12(b)6  
8 motion has been opposed, it's Robert Hunn.

9 THE COURT: All right, is there anything further  
10 then from the plaintiff's counsel, at this time, Mr. Hunn?

11 MR. HUNN: No, your Honor, thank you.

12 THE COURT: Ms. Smith, anything further?

13 MS SMITH: No.

14 THE COURT: Mr. Cofsky?

15 MR. COFSKY: No, your Honor.

16 THE COURT: Okay, Mr. Weintraub?

17 MR. WEINTRAUB: No, your Honor.

18 THE COURT: Mr. Haber?

19 MR. HABER: No, your Honor.

20 THE COURT: Mr. Bilz?

21 MR. BILZ: No, your Honor.

22 THE COURT: All right, then I will schedule another  
23 conference by telephone, in approximately 30 to 45 days. By  
24 that time, we should have the new counsel and we need to then  
25 set forth a schedule, so we can move forward in this matter

1 with respect to, at least, the discovery of the parties.  
2 Anything else? All right, hearing nothing further, I'm going  
3 to adjourn the conference. Everyone have a nice day. We are  
4 adjourned.

5 ALL: Thank you.

6 (Proceeding adjourned 10:13 o'clock a.m.)

7 \* \* \*

CERTIFICATION

I hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

s:/Geraldine C. Laws, CET  
Laws Transcription Service

Dated 9/16/10